

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

DEC - 4 2017

Alexandria Division

UNITED STATES OF AMERICA

v.

SAMANTHA WINTER,

Defendant.

Case No. 1:17mj566

The Hon. Theresa Carroll Buchanan

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Jose Juan Oquendo, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") since 2014. Prior to my appointment with the ATF, I was a sworn law enforcement officer with the United States Secret Service for two years. I am currently assigned to the ATF Falls Church Group II Field Office. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms; for the illegal possession and distribution of controlled substances; for committing violent crimes; and for dealing in the business of firearms without a valid license.

2. This affidavit is submitted in support of a criminal complaint charging SAMANTHA WINTER, an unlawful drug user, with knowingly made a false statement in regards to the transfer of a firearm, in violation of Title 18, United States Code, Section 924a(1)(a).

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

BACKGROUND ON THE INVESTIGATION

4. In March 2017, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and the Federal Bureau of Investigation (“FBI”) began jointly investigating the Imperial Gangsta Bloods (“IGB”) street gang within Northern Virginia area and elsewhere. IGB is a subset of the United Blood Nation (“UBN”) street gang. Members of the UBN and IGB set are known by law enforcement to be involved with narcotics distribution, firearms trafficking, home invasions, robberies, assaults, and homicides.

5. During the course of this investigation, law enforcement learned that members of the Northern Virginian IGB set are actively conspiring with NASIRU CAREW of Woodbridge, Virginia, to distribute marijuana, firearms, and multi-pound shipments of THC gummies in the Northern Virginia area. Many suspects have expressed their fear of CAREW. CAREW’s main residence appears to be located in San Diego County, California. However, CAREW regularly travels to the Eastern District of Virginia.

6. On April 21, 2017, CAREW was arrested in Prince George’s County, Maryland. The arrest resulted from a traffic stop conducted by Prince George’s County Police Officers. CAREW was a passenger in the vehicle. CAREW exited the vehicle and fled on foot, but was located and arrested. A cellular phone was seized from CAREW. That phone was later provided to federal agents conducting this investigation.

7. The same day, law enforcement applied for and obtained a state search warrant from the Hon. C. Philip Nichols, Jr., Prince George's County Circuit Court for the cellular phone that had been seized from CAREW. After searching the phone, law enforcement observed that CAREW's phone contained images on March 21, 2017 of a U.S. Postal Service (USPS) parcel with a King George County address. Law enforcement could not locate information that either the named sender or recipient lived at the address in King George County. A USPS database delivery search confirmed that two parcels totaling 13 pounds were previously sent from the San Diego, California area and delivered to the same address in King George County on March 24, 2017.

8. On May 6, 2017, United States Postal Inspection Service (USPIS) contacted the FBI regarding two suspicious packages being sent from California to an address in King George County, Virginia

9. On May 8, 2017, law enforcement intercepted the two parcels en route to the address in King George County. A narcotics K-9 unit alerted on one of the parcels. This parcel was seized by a USPS Inspector. The same day, the USPS Inspector applied for and obtained a federal search warrant from the Honorable David J. Novak, U.S. District Court of the Eastern District of Virginia, Richmond, to search the parcel. The USPS Inspector executed the search warrant and seized approximately 11 pounds of THC-laced edible products. The labeling on the THC packages displayed the brand "Gummy 420". The items were packaged in vacuum-packed, heat-sealed plastic bags for shipment.

10. Later that day, law enforcement officers established surveillance at the intended delivery address in King George County. Law enforcement observed two females at the address. Law enforcement then saw a U.S. Postal carrier deliver two parcels to the address, leaving them on the porch of the residence. Agents also observed a female, here after referred to as WITNESS

2, bring the parcels in the residence. Shortly after, an African American male arrived at the residence. The male was later identified as DEVON BYRD. BYRD was carrying what appeared to be an empty backpack lying flat against his back. BYRD then exited the residence and departed shortly thereafter carrying the same backpack, which now appeared to be filled.

11. King George County law enforcement officers stopped the vehicle after the driver committed a traffic violation. It was determined that BYRD was driving the vehicle and was the sole occupant. A narcotics K-9 officer was subsequently dispatched to the vehicle. While conducting a free air sniff around the vehicle, the K-9 alerted to the handler for the presence of narcotics. Based on probable cause, law enforcement searched the vehicle. During the search, law enforcement seized from the backpack in the backseat that they had previously seen on BYRD 13 pounds of THC-laced edibles, brand name "Gummy 420". During a search of the vehicle, law enforcement also seized a loaded Smith and Wesson model SD40 .40 caliber pistol tucked between the center console of the vehicle and BYRD's right leg. The investigation has revealed that BYRD had recently been charged with sale and distribution of marijuana in September 2016, and was prohibited from possessing firearms under the terms of his release. Based on these seizures of contraband items, the King George County Sheriff's Office arrested BYRD.

12. BYRD was subsequently interviewed at the King George County Sheriff's Office by an FBI Agent and an ATF Agent. BYRD had previously been read his *Miranda* rights at the time of his arrest by the King George County Sheriff's Office, approximately an hour earlier. When federal law enforcement interviewed BYRD, they first asked if he had been advised of his *Miranda* rights and if he would like them read again. BYRD acknowledged that he had already been advised of his *Miranda* rights. BYRD stated that he understood his rights and he did not need the agents to read them to him again. BYRD stated that the pistol was his girlfriend's firearm and that he did

not know it was in the car he was driving. BYRD identified his girlfriend as SAMANTHA WINTER ("WINTER"). BYRD admitted he was in possession of something that did not belong to him, the THC-laced edibles. However, he refused to answer any questions regarding the sender of the package or where he was going with the contents. Additionally, BYRD refused to provide consent to search his cellular phone.

13. Law enforcement agents have interviewed the two women seen at the King George address during surveillance of the parcel delivery. One woman, here after referred to as WITNESS 1, identified herself as the listed occupant of the residence. WITNESS 1 stated she was in the home when BYRD entered the residence and saw BYRD open the parcel and begin sorting the contents of the package in her bedroom by type of gummies and packaging. This statement is consistent with how the contents of the parcel were found by law enforcement. WITNESS 1 next stated that she saw BYRD put the contents in a backpack and leave her residence. WITNESS 1 also stated that BYRD has received packages like this in the past and that he had given her a package of the same THC edibles. The THC package from the backpack was provided to law enforcement and found to be labeled "Gummy 420", consistent with the contents of BYRD's backpack.

14. WITNESS 1 was next asked if BYRD was carrying, or if she had ever seen him carry, a pistol. WITNESS 1 stated she has seen him carry a pistol in the past and she stated he was carrying a pistol on him when he entered he residence. WITNESS 1 told officers that she saw BYRD remove it from his waistband and place it on the shelf in her bedroom. WITNESS 1 also stated BYRD had recently gotten in trouble for having a gun and drugs in Stafford, Virginia. WITNESS 1 further stated that BYRD always carried a gun and that his new girlfriend had purchased the gun for him for Christmas. WITNESS 1 reported that new girlfriend's first name is "Samantha."

15. The second woman, here after referred to as WITNESS 2, stated she brought the package into the King George residence because she saw it on the front porch. WITNESS 2 was observed entering the residence, and was then followed by BYRD entering the residence, consistent with her statement. WITNESS 2 stated she frequently visits the residence and confirmed she has seen BYRD carry a black gun on his person and also when he drives. WITNESS 2 stated that she had previously viewed a video that BYRD posted on social media. The video displayed Gummies and WITNESS 2 stated that her impression of the video was that it was an “advertisement.” WITNESS 2 also reported that in the summer of 2016, she witnessed BYRD smoking and possessing marijuana several times at WITNESS 1’s residence.

16. Based on my training, experience and knowledge of this case, I know that drug dealers often carry firearms with them when they purchase or transport narcotics to protect themselves and the drugs they are carrying from other rival gang members and would-be thieves.

INTERVIEW OF SAMANTHA WINTER

17. On May 8, 2017, ATF Agents conducted a non-custodial interview of WINTER regarding the .40 caliber Smith and Wesson piston seized from BYRD. WINTER reported that she is in a romantic relationship with BYRD. She acknowledged that the vehicle that BYRD was stopped in earlier in the day was her vehicle. WINTER said that she allows BYRD to drive the car during the day when she is at work. WINTER stated that she purchased the pistol recovered by law enforcement officers during BYRD’s arrest. WINTER reported that she purchased the pistol for herself and not for BYRD. She said she keeps the pistol in her vehicle.

18. When asked if BYRD goes to the range to shoot, WINTER responded that she and BYRD go to her parent’s land to shoot. WINTER also stated that she stores the gun in the glove box of her vehicle and that BYRD has access to her gun when he drives the car. WINTER told

agents that the last time she had seen the pistol was the morning of May 8, 2017, when she put the pistol in the car's glove box. WINTER further stated that the only way the pistol could have come out of the glove box would have been if BYRD moved it.

19. An ATF trace of the pistol confirmed WINTER purchased the firearm on December 10, 2016. Agents asked WINTER if she remembered filling out paperwork when she purchased the gun. WINTER stated that she remembered. Later in the interview, WINTER stated that she started smoking marijuana "last year," and she smokes marijuana daily. She said BYRD smokes marijuana too and she last smoked with BYRD a couple days before. She also stated that BYRD smokes with other people as well. WINTER stated that she not truthful on the ATF Firearms Transaction Record (Form 4473) regarding her use of drugs. WINTER stated to ATF Agents that she had answered "No" to question 11e of Form 4473. Question 11e states, "*Are you an unlawful user of or addicted to, marijuana, or any depressant, stimulant, narcotic drug, or any other controlled substance?*" WINTER stated that the truthful answer is, "Yes." WINTER stated, "Yes, I did lie on the form, I should not have, it was wrong. I'll give up my firearms rights if that's what it needs to be done."

20. Truien Shooting Sports on Frost Avenue, in Warrenton, Virginia holds a Federal Firearms License that was issued by ATF. ATF Agents received a copy of the Form 4473 from Truien Shooting Sports, which documented the December 10, 2016 purchase of the .40 caliber Smith and Wesson by WINTER, the same pistol seized from BYRD. The transfer occurred at the store's location. The Form 4473 confirmed that WINTER purchased the pistol and answered "No" to question 11e on the form.

21. Based on the aforementioned facts, I submit there is probable cause to believe that WINTER purchased the pistol seized from BYRD, that WINTER knowingly lied on the Form 4473 in order to acquire the gun.

THE FIREARM

22. I conducted research of the Smith and Wesson model SD40 .40 caliber pistol that had been seized from BYRD. The research was based on my training and experience, including ATF-issued firearms literature and publications. The results of the research concluded that the Smith and Wesson model SD40 pistol was not manufactured in the Commonwealth of Virginia. Therefore, the firearm traveled in and affected interstate commerce prior to WINTER purchasing it.

CONCLUSION

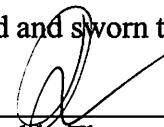
23. Based upon the foregoing, I believe probable cause exists that from on or about December 10, 2016, SAMANTA WINTER, knowingly made a false statement with respect to the information required to purchase a handgun in that WINTER knowingly and unlawfully used controlled substances and lied about her narcotics use on the Form 4473, in violation of Title 18, United States Code, Section 924a(1)(a).

Respectfully submitted,



Jose Juan Oquendo
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me on 4 December 2017.

_____
Theresa Carroll Buchanan
United States Magistrate Judge
The Honorable Theresa Carroll Buchanan
United States Magistrate Judge